

---

**From:** Carlin, Jayne  
**To:** Waye, Don  
**CC:** Hall, Lynda  
**Sent:** 8/7/2014 10:51:44 AM  
**Subject:** RE: Draft Oregon NPS Plan Ready for CZARA Review; Comments Due by Sept 2

Thanks, Don. These are great comments. I went ahead and forwarded them to Don to give him time to consider them.

Jayne

Jayne Carlin, Watersheds Unit  
US EPA, Region 10  
1200 6th Ave, Suite 900 (OWW-134)  
Seattle, WA 98101-3140  
(206) 553-8512, (206) 553-0165 (fax)  
carlin.jayne@epa.gov

<http://www.epa.gov/r10earth/tmdl.htm>

**From:** Waye, Don  
**Sent:** Thursday, August 07, 2014 7:39 AM  
**To:** Carlin, Jayne  
**Cc:** Hall, Lynda  
**Subject:** RE: Draft Oregon NPS Plan Ready for CZARA Review; Comments Due by Sept 2

Jayne,

My comments are along the lines of how will Oregon show that it is implementing the CZARA management measures through this NPS MP update (rather than merely providing us a summary description of what they've already submitted to us in March)? I would look for something in the milestones that shows tracking for various management measures. Not all MMs, but the ones EPA and the state think are most critical. Oregon might also mention its intent to use a section of their 319 annual reports to report out on the results of their tracking and monitoring for MM implementation (and I would encourage them—and all coastal states to take this approach). I don't see these pieces in this draft.

Don

**From:** Carlin, Jayne  
**Sent:** Thursday, August 07, 2014 10:31 AM  
**To:** Waye, Don; Hall, Lynda; Sweeney, Stephen; Byrne, Jennifer; 'jeff.dillen@noaa.gov'  
**Cc:** Solloway, Chris; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)  
**Subject:** Draft Oregon NPS Plan Ready for CZARA Review; Comments Due by Sept 2

Hi All,

This is the version ( <http://www.deq.state.or.us/wq/nonpoint/plan.htm> ) we should review from the OR CZARA perspective. Comments are due to Don Y by September 2.

Rick reviewed the preliminary draft and provided comments which Don Y state he addressed. Then Rick Ex. 6 - Personal Privacy and Martha replaced him as the Oregon NPS Coordinator. Don then sent out the next version to his agency and other sister state agencies. He revised the plan based on their comments and offered us an opportunity to review that draft before going through the public participation process. Due to Rick's Ex. 6 - Personal Privacy and the heavy workload to get the grant out, our heavy CZARA workload and the desire to keep the process moving etc. so that the September 30 deadline could be met, we decided to have that version move forward through public review and provide our comments during

the public comment period.

I will set aside some time in late August to discuss our thoughts and comments.

Cheers,

Jayne

Jayne Carlin, Watersheds Unit  
US EPA, Region 10  
1200 6th Ave, Suite 900 (OWW-134)  
Seattle, WA 98101-3140  
(206) 553-8512, (206) 553-0165 (fax)  
[carlin.jayne@epa.gov](mailto:carlin.jayne@epa.gov)

<http://www.epa.gov/r10earth/tmdl.htm>

**From:** Waye, Don

**Sent:** Thursday, August 07, 2014 7:16 AM

**To:** Hall, Lynda; Sweeney, Stephen; Carlin, Jayne; Byrne, Jennifer; 'jeff.dillen@noaa.gov'

**Cc:** Solloway, Chris; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)

**Subject:** RE: Oregon CZARA Legal Question on mixing approval and disapproval decisions in the Jan. 2015 final decision document

Oregon's NPs MP update is out for public comment now:

<http://www.deq.state.or.us/wq/nonpoint/plan.htm>

Also, Oregon posted its March 20, 2014 CZARA submittal to NOAA/EPA on its main NPS page here:

<http://www.deq.state.or.us/wq/nonpoint/nonpoint.htm>

**From:** Hall, Lynda

**Sent:** Wednesday, August 06, 2014 5:15 PM

**To:** Sweeney, Stephen; Carlin, Jayne; Waye, Don; Byrne, Jennifer; 'jeff.dillen@noaa.gov'

**Cc:** Solloway, Chris; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)

**Subject:** RE: Oregon CZARA Legal Question on mixing approval and disapproval decisions in the Jan. 2015 final decision document

Steve,

# Non-Responsive

**From:** Sweeney, Stephen

**Sent:** Wednesday, August 06, 2014 3:17 PM

**To:** Carlin, Jayne; Waye, Don; Byrne, Jennifer; 'jeff.dillen@noaa.gov'

**Cc:** Hall, Lynda; Solloway, Chris; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)

**Subject:** RE: Oregon CZARA Legal Question on mixing approval and disapproval decisions in the Jan. 2015 final decision document

1. I believe we already did invite public comment on the disapproval.
2. In approving programs, my understanding is that EPA/NOAA invite public comment (in the Federal Register) and notify the State (with a letter) after review of public comment and approval.
3. On NPS, yes, thanks.

**From:** Carlin, Jayne  
**Sent:** Wednesday, August 06, 2014 3:14 PM  
**To:** Sweeney, Stephen; Waye, Don; Byrne, Jennifer; 'jeff.dillen@noaa.gov'  
**Cc:** Hall, Lynda; Solloway, Chris; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)  
**Subject:** RE: Oregon CZARA Legal Question on mixing approval and disapproval decisions in the Jan. 2015 final decision document

I thought we were not planning to go out for public comment on our disapproval—just an announcement. Is that correct? When we approve programs, how do we announce our decision? Seems like we would use the same process.

In our states, we are requiring states to have a public comment period on their proposed NPS management plan updates. Is this what you are asking, Steve?

Jayne Carlin, Watersheds Unit  
US EPA, Region 10  
1200 6th Ave, Suite 900 (OWW-134)  
Seattle, WA 98101-3140  
(206) 553-8512, (206) 553-0165 (fax)  
[carlin.jayne@epa.gov](mailto:carlin.jayne@epa.gov)

<http://www.epa.gov/r10earth/tmdl.htm>

**From:** Sweeney, Stephen  
**Sent:** Wednesday, August 06, 2014 11:54 AM  
**To:** Waye, Don; Byrne, Jennifer; 'jeff.dillen@noaa.gov'  
**Cc:** Hall, Lynda; Solloway, Chris; Carlin, Jayne; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)  
**Subject:** RE: Oregon CZARA Legal Question on mixing approval and disapproval decisions in the Jan. 2015 final decision document

Don,

# Ex. 5 - Attorney Client

Steve

**From:** Waye, Don  
**Sent:** Wednesday, August 06, 2014 2:01 PM  
**To:** Sweeney, Stephen; Byrne, Jennifer; 'jeff.dillen@noaa.gov'  
**Cc:** Hall, Lynda; Solloway, Chris; Carlin, Jayne; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)  
**Subject:** RE: Oregon CZARA Legal Question on mixing approval and disapproval decisions in the Jan. 2015 final decision document

Steve, JB & Jeff,

My apologies for burdening you with my previous email (below). I believe we have already discussed this question with you. Jayne reminded me of where we landed, which I agree with. No need for you to respond unless you disagree with

the approach described below. Thanks.

From Jayne:

***I think we would explain our basis for disapproval. I do not believe we are requesting public comment on our basis or on the other MMs. Instead we would send a letter to the State moving New Development to our interim approval category (like we have done in the past). We plan to request public notice on all of our interim approvals once we can request public comments on an approval of the entire program. Agree?***

Don Waye

U.S. EPA - Nonpoint Source Control Branch

Phone: 202-566-1170

**From:** Waye, Don

**Sent:** Wednesday, August 06, 2014 1:07 PM

**To:** Sweeney, Stephen; Byrne, Jennifer; 'jeff.dillen@noaa.gov'

**Cc:** Hall, Lynda; Solloway, Chris

**Subject:** Oregon CZARA Legal Question on mixing approval and disapproval decisions in the Jan. 2015 final decision document

Steve, JB & Jeff,

# Ex. 5 - Attorney Client

Don Waye

U.S. EPA - Nonpoint Source Control Branch

Phone: 202-566-1170

**From:** Waye, Don

**Sent:** Wednesday, August 06, 2014 12:54 PM

**To:** 'Allison Castellan - NOAA Federal'

**Cc:** Carlin, Jayne

**Subject:** RE: Briefing Updates for Mngt

I saw that she added the following 2 new bullet headings, but did not supply any information around them:

- Concern Raised in Proposed Decision:

And

- Concerns raised during public comment period:

For the first bullet, I'd say "None."

As for filling in the second bullet, I'll need to get back with you and Jayne. I have a working file for the comments on New Dvpt and OSDS as I prepare for our response to comments document, but it is not with me now. But as I recall, there was no new information generated in the comments that I believe rise to the level of a real concern. Folks either agreed or disagreed with our Dec. 2013 proposed decision to disapprove OR's New Dvpt MM and none really challenged the basis we are now citing for approval, mostly because that information was not available until after

March 20<sup>th</sup>. So the public has not been presented with a chance to comment on a decision to approve this MM.

# Ex. 5 - Deliberative

**From:** Allison Castellan - NOAA Federal [mailto:[allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)]

**Sent:** Wednesday, August 06, 2014 12:04 PM

**To:** Waye, Don

**Cc:** Carlin, Jayne; Henning, Alan; Wu, Jennifer; Solloway, Chris; Flahive, Katie; Melissa Rada - NOAA Affiliate

**Subject:** Re: Briefing Updates for Mngt

Yep. That was a big error on my part. Alan caught that yesterday and I already corrected. Thanks for taking a look. Do you have info on comments we received on new devel to add? See Jayne's added section for that.

On Wed, Aug 6, 2014 at 11:47 AM, Waye, Don <[Waye.Don@epa.gov](mailto:Waye.Don@epa.gov)> wrote:  
Allison,

Thanks for getting this going, Allison. My edits consisted of adding 3 letters to Jayne's revised version, as follows:

**Forestry Landslides:**

· Recommended Decision: **Dis**approve

See attached.

Don

**From:** Carlin, Jayne

**Sent:** Tuesday, August 05, 2014 8:32 PM

**To:** [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)

**Cc:** Henning, Alan; Waye, Don; Wu, Jennifer; Solloway, Chris; Flahive, Katie; Melissa Rada - NOAA Affiliate

**Subject:** RE: Briefing Updates for Mngt

I really like this document, Allison. See my comments and thoughts on the attached. Sorry about not providing a tracked version. I forgot to put the tracking feature on.

Jayne

Jayne Carlin, Watersheds Unit

US EPA, Region 10

1200 6th Ave, Suite 900 (OWW-134)

Seattle, WA 98101-3140

(206) 553-8512, (206) 553-0165 (fax)

[carlin.jayne@epa.gov](mailto:carlin.jayne@epa.gov)

<http://www.epa.gov/r10earth/tmdl.htm>

**From:** Allison Castellan - NOAA Federal [mailto:[allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)]

**Sent:** Tuesday, August 05, 2014 12:52 PM

**To:** Carlin, Jayne

**Cc:** Henning, Alan; Waye, Don; Wu, Jennifer; Solloway, Chris; Flahive, Katie; Melissa Rada - NOAA Affiliate

**Subject:** Re: Briefing Updates for Mngt

My apologies. Please see this attachment.

On Tue, Aug 5, 2014 at 3:34 PM, Allison Castellan - NOAA Federal <[allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)> wrote:  
All--

After our call, I went ahead and converted my "issue" paper on unsolicited comments into a shorter "update" for mngt. In doing so, I went ahead and took a stab at some of the other "updates" we wanted to share related to new devel, landslides, and a general update on responding to comments (we didn't discuss but thought this would be helpful).

The new devel and landslides are more of place holders for now so topic leads please revise as necessary. Not sure if this is the right level of detail for not for these items.

Allison

On Tue, Aug 5, 2014 at 12:47 PM, Carlin, Jayne <[Carlin.Jayne@epa.gov](mailto:Carlin.Jayne@epa.gov)> wrote:  
Hi Alan,

Great paper. See attached for another option to consider and very minor edits.

Jayne

Jayne Carlin, Watersheds Unit  
US EPA, Region 10  
1200 6th Ave, Suite 900 (OWW-134)  
Seattle, WA 98101-3140  
(206) 553-8512, (206) 553-0165 (fax)  
[carlin.jayne@epa.gov](mailto:carlin.jayne@epa.gov)

<http://www.epa.gov/r10earth/tmdl.htm>

**From:** Henning, Alan

**Sent:** Tuesday, August 05, 2014 8:56 AM

**To:** Carlin, Jayne; Wayne, Don; Croxton, Dave; Wu, Jennifer; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Solloway, Chris; Flahive, Katie; Rueda, Helen; Parry, Roberta; Melissa Rada - NOAA Affiliate

**Cc:** Psyk, Christine; Hall, Lynda; Joelle Gore - NOAA Federal; Sweeney, Stephen; Byrne, Jennifer; [jeff.dillen@noaa.gov](mailto:jeff.dillen@noaa.gov)

**Subject:** RE: Agenda for Aug 5 OR CZARA Call (10 AM WA/OR or 1 PM DC or Dave's Office)

**Non-Responsive**

All,

Attached is a more current "Forestry Riparian" Issues Document. This explores three different options vs one. Feel free to give me a call if you have any questions.

Alan

541-687-7360

---

**From:** Carlin, Jayne

**Sent:** Monday, August 4, 2014 6:56 PM

**To:** Waye, Don; Croxton, Dave; Henning, Alan; Wu, Jennifer; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Solloway, Chris; Flahive, Katie; Rueda, Helen; Parry, Roberta; Melissa Rada - NOAA Affiliate

**Cc:** Psyk, Christine; Hall, Lynda; Joelle Gore - NOAA Federal; Sweeney, Stephen; Byrne, Jennifer; ['jeff.dillen@noaa.gov'](mailto:jeff.dillen@noaa.gov)

**Subject:** Agenda for Aug 5 OR CZARA Call (10 AM WA/OR or 1 PM DC Dave's Office)

**Non-Responsive**

## OR CZARA

August 5 at 10 AM WA/OR or 1 PM DC

**Non-Responsive**

for Dave's Office

## Agenda

### Updates:

Ø Status reports on Rationales/Comments/Issue Papers for:

- Legal
- Landslides
- OSDS,
- new development,
- pesticides
- ag
- riparian
- roads
- general

Ø Status report on:

- Written bimonthly update Emailed to NWEA
  - Issue list and leads (changes? Chris Solloway?)
  - Assigning unaddressed comment categories

Forestry/Riparian Issue Paper (see attached)

OSDS Issue Paper (Don will send)

Adequacy of OR's general monitoring and tracking efforts issue paper (see attached)

OR CZARA EPA Penalties Paper (NOAA is excused)(see attached)

EPA-6822 019057



Office of Ocean and Coastal Resource Management N/ORM3  
National Oceanic and Atmospheric Administration, SSMC4  
Silver Spring, MD 20910  
Phone: 301-563-1125  
Fax: 301-713-4004  
[allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)  
<http://coastalmanagement.noaa.gov>

--

~~ <> ~ ~ >< ~ ~ <> ~ ~

Allison Castellan  
Coastal Management Specialist  
Office of Ocean and Coastal Resource Management N/ORM3  
National Oceanic and Atmospheric Administration, SSMC4  
Silver Spring, MD 20910  
Phone: 301-563-1125  
Fax: 301-713-4004  
[allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)  
<http://coastalmanagement.noaa.gov>